

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

-against-

02-CR-291

THOMAS OVERBAUGH,

Defendant.

**THOMAS J. McAVOY,
Senior United States District Judge**

ORDER

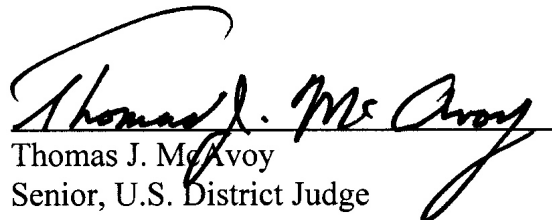
In the case of Overbaugh v. United States, 06-CV-69 (N.D.N.Y.), the undersigned recused himself to avoid even the appearance of impropriety. See 3/22/06 Order (dkt. # 18). Although the same circumstances that warranted recusal in 06-CV-69 do not appear to be present in the instant case, the undersigned once again finds that recusal is required under 28 U.S.C. § 455 to avoid even the appearance of impropriety.

Therefore, it is hereby

ORDERED that the undersigned recuses himself from presiding over all matters in this case related to Defendant Thomas Overbaugh. Matters involving Defendant Thomas Overbaugh will be handled by United States District Judge Gary Sharpe. The undersigned will continue to handle matters in this case concerning any other defendants.

IT IS SO ORDERED.

DATED: May 15, 2006


Thomas J. McAvoy
Senior, U.S. District Judge